

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

COREY WILLIS,

Plaintiff

v.

WILLIAM HUTCHINGS,

Defendant

Case No. 2:21-cv-01976-APG-NJK

**ORDER**

**I. DISCUSSION**

On October 27, 2021, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to appeal *in forma pauperis*. Docket Nos. 1-1, 1. In referencing Plaintiff’s cover letter, Docket No. 1-2, the Court notes it appears Plaintiff intended to file an application to proceed in forma pauperis, instead of an application to appeal in forma pauperis. As such, the Court will provide Plaintiff with the correct forms for his application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3);
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form); and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Plaintiff’s application, Docket No. 1, is incomplete. Plaintiff has not submitted his

1 application on the Court's approved form and has not provided a financial certificate or an inmate  
2 account statement for the previous six-month period. Accordingly, the Court denies Plaintiff's  
3 application, Docket No. 1, without prejudice because the application is incomplete. The Court  
4 will grant Plaintiff a **one-time extension** to file a fully complete application to proceed *in forma*  
5 *pauperis* containing all three of the required documents. Plaintiff must file a fully complete  
6 application to proceed *in forma pauperis* on or before **December 28, 2021**. Absent unusual  
7 circumstances, the Court will not grant any further extensions of time. If Plaintiff does not file a  
8 fully complete application to proceed *in forma pauperis* with all three required documents on or  
9 before **December 28, 2021**, this case will be subject to dismissal without prejudice for Plaintiff to  
10 file a new case with the Court when Plaintiff is able to acquire all three of the documents needed  
11 to file a fully complete application to proceed *in forma pauperis* or pays the full \$402 filing fee.

12 A dismissal without prejudice means Plaintiff does not give up the right to refile the case  
13 with the Court, under a new case number, when Plaintiff has all three documents needed to submit  
14 with the application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file  
15 an application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before  
16 **December 28, 2021** to proceed with this case.

17 The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will  
18 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed  
19 *in forma pauperis* with all three documents or pays the full \$402 filing fee.

## 20 **II. CONCLUSION**

21 For the foregoing reasons, IT IS ORDERED that Plaintiff's application, Docket No. 1, is  
22 **DENIED** without prejudice to file a new fully complete application to proceed *in forma pauperis*  
23 with all three documents.

24 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved  
25 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled  
26 information and instructions for filing an *in forma pauperis* application.

27 IT IS FURTHER ORDERED that, on or before **December 28, 2021**, Plaintiff will either  
28 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52

1 administrative fee) or file with the Court:

2 (1) a completed Application to Proceed in Forma Pauperis for Inmate on this Court's  
3 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page  
4 3);

5 (2) a Financial Certificate properly signed by both the inmate and a prison or jail official  
6 (i.e. page 4 of this Court's approved form); and

7 (3) a copy of the inmate's prison or jail trust fund account statement for the previous  
8 six-month period.

9 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to  
10 proceed *in forma pauperis* with all three documents or pay the full \$402 filing fee for a civil action  
11 on or before **December 28, 2021**, this case will be subject to dismissal without prejudice for  
12 Plaintiff to refile the case with the Court, under a new case number, when Plaintiff has all three  
13 documents needed to file a complete application to proceed *in forma pauperis* or pays the the full  
14 \$402 filing fee.

15 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket  
16 No. 1-1, but the Court will not file it at this time.

17 DATED: November 1, 2021.

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21 NANCY J. KOPPE  
22 UNITED STATES MAGISTRATE JUDGE  
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